

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

Crl.MC.No. 1241 of 2007

(C.C.No.349/04 in Crime No.5/04 on the files of the Judicial First
Class Magistrate Court-I, Haripad)

PETITIONER: A2 & A3

1. SURESH, AGED 40 YEARS, S/O.NARAYANAN,
SARADALAYATHIL VEETIL, MUTHUKULAM THEKKUM
MURI, MUTHUKULAM VILLAGE, ALAPPUZHA DISTRICT.
2. SUJA SURESH, AGED 38 YEARS,
W/O.SURESH, -DO- -DO-

BY ADV. SRI.R.REJI

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
KANAKAKUNNU.
2. THULASI, AGED 32 YEARS, W/O.PRABHA,
THULASI BHAVANAM, PUTHIYAVILA MURI,
KANDALLOOR VILLAGE, ALAPPUZHA DISTRICT.

BY PUBLIC PROSECUTOR SRI.K.L.LEKSHMI RANI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20/04/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T.SANKARAN, J.

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Dated this the 20th day of April, 2007

ORDER

The petitioners are accused No.2 and 3 in C.C.349/2004 on the file of the court of Judicial Magistrate First Class, Haripad. The case was posted for evidence on 20.3.2007. On that day, the petitioners were absent. Though an application was filed to excuse their absence on the ground that the second petitioner herein (3rd accused) was ill, the learned Magistrate was not inclined to adjourn the case, and non bailable warrant was issued against the petitioners.

2. Heard the learned counsel for the petitioners as well as the Public Prosecutor.

3. It is submitted by the learned counsel for the petitioners that the second petitioner is still undergoing treatment. In the facts and circumstances of the case, there will be a direction to the learned Magistrate to consider the application for bail which the petitioners may file on their surrender before the court. The learned Magistrate shall

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dispose of the application for bail on the same date on which it is filed. The learned Magistrate shall take note of the facts and circumstances and also the submission that the second petitioner is undergoing treatment.

Criminal M.C. is disposed of as above.

(K.T.SANKARAN)
JUDGE

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